

REMARKS/ARGUMENTS

Applicant has reviewed and considered the Final Office Action dated June 9, 2005 and cited reference therein.

Claims 5 through 8 are pending in the present application.

In lieu of a substantive response, Applicant presents the following:

Applicant requests that Claims 5 through 8 be canceled upon receipt of the response and upon the receipt of a concurrently filed Divisional Application, being filed on even date herewith, claiming priority to US Serial No. 10/086,609, filed March 1, 2002 which was subject to a Restriction Requirement and which claims priority to US Provisional Application 60/272,931, filed March 2, 2001. Additionally, a concurrently filed related continuation application is also being filed on even date herewith directed to the subject matter of present claims 5 through 8, as described below.

Rejection of Claims 5 through 8 under 35 U.S.C. 103(a)

Claims 5 stand 8 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,653,493, issued to Serhan (hereinafter "Serhan"). Applicant respectfully traverses the rejection. However, in view of the Examiner's observations and with the intent of not disparaging the Owner's interests in either Serhan or the pending application, claims based on current claims 5 through 8 will be presented in a continuation application based on currently pending continuation application US Serial No. 11/040,605, filed January 21, 2005, that claims priority to US Patent No. 6,653,493.

As the Examiner has argued that Serhan provides for treatment of restenosis with the subject matter of the invention, Applicant will submit such claims in the concurrently filed continuation application in order to expedite the process to issuance.

Therefore, reconsideration and withdrawal of the rejection is respectfully requested.

Applicant respectfully requests that the Examiner contact Applicant's representative once the US Patent Office has record of the requisite filings, so that the pending application can be abandoned at an appropriate time.


CONCLUSION

In view of the above, it is respectfully submitted that the concurrently filed applications are in condition for allowance. A favorable response is respectfully requested in each application. If a telephone conference would be helpful in resolving any remaining issues, please contact the undersigned at 612-340-8819.

Respectfully submitted,

DORSEY & WHITNEY LLP
Customer Number 25763

Date: August 8, 2005

By: 

Scott D. Rothenberger
Reg. No. 41,277
Intellectual Property Department
Suite 1500
50 South Sixth Street
Minneapolis, MN 55402-1498
Phone: 612-340-8819